

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SCOTT BAKER,

Plaintiff,

v.

PAUL MONTRONE, PAUL MEISTER,
PERSPECTA TRUST, LLC, BAYBERRY
FINANCIAL SERVICES CORP.,
LIBERTY LANE SERVICE COMPANY
LLC, PERSPECTA HOLDINGS LLC,
PERSPECTA ENTITIES LLC, and
PERSPECTA INVESTMENTS LLC,

Defendants.

Civil Action No. 1:18-CV-00913-PB

**OBJECTION TO DEFENDANTS' MOTION FOR EXAMINATION OF PLAINTIFF'S
MENTAL CONDITION PURSUANT TO F. R. CIV. P. RULE 35**

Plaintiff Scott Baker ("Baker"), by and through his attorneys, hereby objects to Defendants' Motion for Examination of Plaintiff's Mental Condition Pursuant to F. R. Civ. P. Rule 35 (the "Motion for IME"), which seeks to subject Baker to a forensic psychiatric evaluation of his mental condition. *See* Motion for IME, ECF No. 48.

As detailed more fully in his accompanying Memorandum of Law, Baker objects to the Motion for IME, as Defendants cannot meet their burden of proving that Baker's mental condition is "in controversy" within the meaning of Rule 35 or that "good cause" exists to subject Baker to an independent mental examination ("IME"). In addition to these procedural and relevancy grounds, Baker objects to the Motion for IME because it is intrusive, particularly in light of other unrelated tragic events Baker has recently endured. Moreover, given Defendants' failure to articulate how an IME nearly two years after Baker's symptoms dissipated would reveal whether or not Baker suffered from a disability from 2015-2017, Defendants'

motion appears to amount to nothing more than another attempt by Defendants to harass Baker, embarrass him, and force him to unnecessarily relieve a distressing time from his past.

In support of his Objection, Baker relies on his Memorandum of Law In Support of Objection to Defendants' for Examination of Plaintiff's Mental Condition Pursuant to F. R. Civ. P. Rule 35, which is filed contemporaneously herewith.

WHEREFORE, Baker respectfully requests that this Court deny Defendants' Motion for IME.

Respectfully submitted,

SCOTT BAKER,

By his attorneys,

/s/Jennifer L. Mikels

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Dated: September 13, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/Jennifer L. Mikels

Jennifer L. Mikels